

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARGUERITE CARRUBBA,
Plaintiff,

VERSUS CIVIL ACTION NO: 1:07cv1238

HARRISON COUNTY, MISSISSIPPI,
by and through its Board of
Supervisors; HARRISON COUNTY
SHERIFF, George Payne;
WAYNE PAYNE; DIANE GATSON RILEY;
STEVE CAMPBELL; RICK GATSON;
RYAN TEEL; KARLE STOLZE;
WILLIAMS PRIEST; JAMES A.
GONDLES, JR; AMERICAN
CORRECTIONAL ASSOCIATION;
JOHN AND JANE DOES 1-3; HEALTH
ASSURANCE, LLC AND J.L. WHITE,
Defendants.

DEPOSITION OF MARGUERITE CARRUBBA

Taken at the offices of Brown Buchanan,
P.A., 796 Vieux Marche' Mall, Suite 1,
Biloxi, Mississippi, on Wednesday,
August 19, 2009, beginning at 9:48 a.m.

APPEARANCES:

MARK WATTS, ESQUIRE
PATRICK R. BUCHANAN, ESQUIRE
Brown Buchanan, P.A.
796 Vieux Marche' Mall, Suite 1
Biloxi, Mississippi 39530
ATTORNEYS FOR PLAINTIFF

1 Q. Before that time, you were in the cell
2 with the two ladies until you were moved into a
3 cell by yourself; is that correct?

4 A. Yes.

5 Q. I understand that you were -- you say
6 you were tapping on the window to get someone's
7 attention so you could make a phone call?

8 A. Yes.

9 Q. Was that in the Cell Number 1 that that
10 happened?

11 A. Yes.

12 Q. And you're sure you were just tapping on
13 the window?

14 A. Yes.

15 Q. Is it possible for someone to hear you
16 if you're just politely tapping on the window?

17 A. Yes.

18 Q. Just tap, tap, tap, to get the cop's
19 attention?

20 A. Yes.

21 Q. Okay. Did you do it a little louder
22 when no one paid attention to you?

23 A. I don't remember.

24 Q. You don't remember if you were -- were
25 you saying anything like help, yelling, somebody

1 come let me make a call, tap, tap, tap?

2 A. No.

3 Q. So you were not saying anything; you
4 were just tapping?

5 A. When somebody said something to me, I
6 said something.

7 Q. "Somebody" being a deputy?

8 A. Right.

9 Q. Okay. So did your tapping bring someone
10 to the window or to the door?

11 A. It got someone's attention.

12 Q. The tapping did?

13 A. Yes.

14 Q. Okay. And so they came to the window.
15 How thick is that window, could you tell?

16 A. I have no idea.

17 Q. It was a Plexiglas window?

18 A. I have no idea.

19 Q. So was it a male or female officer that
20 came to the window?

21 A. Just to the window? I don't believe
22 anyone just came to the window.

23 Q. Okay. So when you were tapping, you got
24 someone's attention?

25 A. Right, right. They yelled at me to

1 quit.

2 Q. From where? Could you see the person
3 who yelled at you?

4 A. Someone back here.

5 Q. Behind the booking counter?

6 A. Yes.

7 Q. What did they say?

8 A. What do you want.

9 Q. And they were yelling at you through
10 that window?

11 A. Yes.

12 Q. I guess you had to yell back so they
13 could hear you?

14 A. I want to make a phone call. I guess.

15 Q. There's no phone in that cell, is there,
16 or is there?

17 A. I'm not sure.

18 Q. Did you look for a phone in the cell?

19 A. I suppose I did. I don't know.

20 Q. Okay. What happened next?

21 A. I probably tapped on the window some
22 more.

23 Q. Still politely tapping or were you kind
24 of whamming it?

25 A. I don't recall whamming it.

1 Q. Were you unhappy about not getting your
2 phone call?

3 A. Yes.

4 Q. So were you shouting and beating on the
5 window so you could get someone's attention at
6 that time?

7 A. I didn't think so.

8 Q. Did the tapping get anyone's attention
9 that time?

10 A. Yes. It eventually did.

11 Q. How long did that take?

12 A. I don't know.

13 Q. All right. So the first time that the
14 person behind the desk said something, he wanted
15 you to quit tapping on the window?

16 A. Right, right.

17 Q. Okay. And you're sure the tapping
18 didn't get louder as the evening went on?

19 A. I couldn't tell you.

20 Q. So what finally happened? Did someone
21 ever come to the door?

22 A. Yes. They came to the door.

23 Q. Okay. Was it a male or female, one
24 person, two?

25 A. At first, I thought it was just the two

1 guys. For some strange, odd reason, I thought
2 they were going to let me make a phone call.

3 Q.. What happened?

4 A. They cuffed me behind my back and took
5 me into the other cell.

6 Q. Okay. Do you know what cell that was?

7 A. It would have been this one.

8 Q. The one right next to it?

9 A. Yes.

10 Q. Okay. So they brought you out of this
11 door and right in here; is that correct?

12 A. I think so. I think those were the two.
13 I'm --

14 Q. All right. Well, we might can figure it
15 out on the video. But if you would, put a "2"
16 where the cell was that you were handcuffed and
17 taken into.

18 A. (Witness complying.)

19 Q. Were the other two ladies still in the
20 Cell Number 1 when they took you out?

21 A. Yes, as far as I remember.

22 Q. All right. And your hands were
23 handcuffed behind your back?

24 A. Yes.

25 Q. Okay. And they were two male deputies?

1 handcuff off?

2 A. Getting it off?

3 Q. Yes, ma'am.

4 A. No.

5 Q. It wasn't?

6 A. I don't believe.

7 Q. It wasn't difficult to get the handcuff
8 off?

9 A. I -- I don't know what you would call --
10 it was a little difficult.

11 Q. It was on there pretty good and you've
12 got to slide it off of your hand. Did that take
13 awhile?

14 A. Not too terribly long.

15 Q. How long did it take you to get that
16 cuff off?

17 A. I don't know. Maybe -- when I tried,
18 maybe about a minute or two.

19 Q. This is with your hands behind your
20 back, right?

21 A. Yes.

22 Q. And what did you do after you got the
23 cuff off?

24 A. I believe I paced and sat down.

25 Q. Did you tap on the window again?

1 A. I don't remember.

2 Q. Did you yell or anything?

3 A. I don't remember.

4 Q. How long were you walking around with
5 your hands unhandcuffed?

6 A. I don't know.

7 Q. More than an hour?

8 A. I have -- I don't know.

9 Q. No idea?

10 A. (Nodding head negatively.)

11 Q. What's the next event that happened?

12 A. I remember the two male deputies came in
13 and cuffed me behind my back.

14 Q. For the second time?

15 A. And pulled my arms straight up behind

16 me, kicking my feet out from under me and slammed
17 me chin first into the concrete floor.

18 Q. When you say pulled your hands up behind
19 you, you mean behind your back?

20 A. Yes, and then pulled them up.

21 Q. Were they perturbed that you had taken
22 the handcuff off?

23 A. I suppose they were.

24 Q. You weren't supposed to take your
25 handcuff off, were you?

1 A. Evidently not.

2 Q. You didn't know that before this
3 happened, that that was not a wise thing to do?

4 MR. WATTS:

5 Object to the form.

6 MR. GEWIN:

7 Q. You can answer.

8 A. I guess.

9 Q. Did you see that event when you looked
10 at the video, what you just described, slamming to
11 the floor?

12 A. I couldn't see it.

13 Q. Could you see into that cell you were in
14 when you watched the video?

15 A. Yes.

16 Q. Okay. Two officers handcuffed you
17 behind your back. Did one officer grab your arms
18 up in the air behind you?

19 A. Yes.

20 Q. Which one did that?

21 A. I couldn't tell you.

22 Q. Where was the other officer?

23 A. I couldn't tell you that.

24 Q. You say someone kicked your feet out
25 from under you?

1 Q. How long would "eventually" be?

2 A. I couldn't tell you.

3 Q. So what happened after that?

4 A. She came to the door.

5 Q. The female deputy or nurse?

6 A. She was in scrubs.

7 Q. Was it a nurse; do you know?

8 A. I don't know. If she had credentials, I
9 don't know.

10 Q. Was she wearing a deputy uniform?

11 A. No.

12 Q. So what did this lady say to you and
13 what you did you say to her?

14 A. She asked me if I called for medical.
15 And I said, yes, my -- I have a messed up neck and
16 back and this is hurting. And she said, I guess
17 you'll behave, and left.

18 Q. What did you say to her?

19 A. I need a doctor.

20 Q. Is that all you said?

21 A. I don't know.

22 Q. You don't remember yelling or cursing
23 anyone?

24 A. I remember yelling for a doctor.

25 Q. Do you remember yelling at anyone other

1 Q. Do they show a busted lip?

2 A. I think one of them does.

3 Q. Have you provided that to us?

4 A. I believe so. I think I gave all the
5 pictures to the attorneys.

6 Q. Does this photo show a knot on your
7 chin?

8 A. It looks like it to me.

9 Q. I see your chin. Circle the knot, if
10 you don't mind. Is it on the right or your left
11 side or in the middle?

12 A. I don't know. It looked kind of puffy
13 there, but I don't know. I can't tell because of
14 the graininess of the photo.

15 Q. Sort of like a driver's license picture?

16 A. It's not even that good.

17 Q. And one last thing. We've got records
18 from the mental health facility, the Gulf Coast
19 Mental Health. You've seen them for quite awhile;
20 is that correct?

21 A. Yes.

22 Q. And they sent us a listing of the
23 records. And we noticed that you've been a
24 patient there since '93, but they just gave us the
25 records for 2005 forward; are you aware of that?

1 Q. Okay. That was pain in your back,
2 correct?

3 A. Yes.

4 Q. And your neck, correct?

5 A. Yes.

6 Q. Your shoulders, too?

7 A. Not before.

8 Q. Not before what?

9 A. 6/17/06.

10 Q. Is it your testimony today you've never
11 had any problems with your shoulders before this
12 incident at the jail?

13 A. Stiff neck, if you want to --

14 Q. Stiff neck where the pain radiated down
15 to the shoulders?

16 A. Yeah. You know, just regular stress
17 stuff.

18 Q. How long have you been seeing -- let me
19 start again. The Gulf Coast Mental Health Center,
20 how long have you been going there? When did you
21 start going there?

22 A. '93.

23 Q. '93, okay. Why did you go there in '93?

24 A. Because I had been seeing high-dollar
25 psychiatrists and I needed somebody that would